

PATENT  
Serial No. 10/008,195  
Amendment in Reply to Final Office Action mailed on January 24, 2006

REMARKS

This Amendment is being filed in response to the Final Office Action dated January 24, 2006, which has been reviewed and carefully considered.

By means of the present amendment, Claims 2, 8 and 12 have been canceled without prejudice. Further, claims 1, 3-7, 9-11 and 13-20 have been amended. Claims 1, 3-7, 9-11 and 13-20 are now pending in this application, with claims 1 and 7 being the only independent claims.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully disagree with and explicitly traverse this ground for rejecting Claims 1-20. It is the Applicants' position that the claims require statutory subject matter. However, in the interest of furthering the prosecution of this matter, Applicants have elected to amend the claims to more clearly state the

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invention. Specifically, Applicants have amended the claims, where independent claim 1 recites returning a result, namely, outputting the best-case response time, and independent claim 7 recites a processor which is configured to perform certain functions. Clearly, claims 1-20 require statutory subject matter. No new issues requiring a new search have been introduced by this amendment. Accordingly, it is respectfully requested that the amendment to the claims be entered and that the rejection of Claims 1-20 under 35 U.S.C. §101 be withdrawn.

In the Office Action, claims 1-6, 11-12, 17-18 and 20 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. In response, the claims have been amended to overcome the informalities noted by the Examiner, as well as other informalities noted upon review of the claims, such as beginning certain dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. The claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. It is respectfully submitted that the rejection of claims 1-6, 11-

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12, 17-18 and 20 have been overcome and an indication as such is respectfully requested.

In the Office Action, claim 1, 7, 11-12 and 19-20 are rejected under 35 U.S.C. §102(a) as allegedly anticipated "Best Case Response Time Analysis for Improved Schedulability Analysis of Distributed Real Time Tasks" (Kim). Further, claims 13-18 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kim. In response independent claims 1 and 7 have been amended to include the features of canceled claims 2 and 8, which are not substantively rejected. Thus, no new issues requiring a new search have been introduced by this amendment and entry thereof is respectfully requested. It is respectfully submitted that claims 1, 3-7, 9-11 and 13-20 are patentable over Kim for at least the following reasons.

Kim is directed to a best case response time analysis where the relative phase between tasks is determined. In particular, the minimum elapsed time  $\Delta_i^b$  between the activation and completion of a task is calculated using equation (4) shown in section 3.2 entitled BCRT Analysis, where  $x_j/p_j$  is subtracted from the  $\Delta_i^b/p_j$ .

In stark contrast, the present invention as recited in

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independent claims 1 and 7, requires a different relationship. For example, independent claims 1 and 7 require that "1" be subtracted from  $BR_i/T_i$ . These features are nowhere taught or suggested in Kim.

Accordingly, it is respectfully submitted that independent claims 1 and 7 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3-6, 9-11 and 13-20 should also be allowed based at least on their dependence from independent claims 1 and 7.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

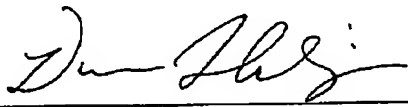
It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment,

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they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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